

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1223 be amended to read as follows:

- 1 Page 7, delete lines 18 through 42.
- 2 Page 8, delete lines 1 through 5.
- 3 Page 11, after line 8, begin a new paragraph and insert:
- 4 "SECTION 10. IC 35-48-4-14.7 IS ADDED TO THE INDIANA
- 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 6 [EFFECTIVE JULY 1, 2005]: Sec. 14.7. (a) This section does not
- 7 apply to:
- 8 (1) the sale of a drug containing ephedrine or
- 9 pseudoephedrine to a licensed health care provider,
- 10 pharmacist, retail distributor, wholesaler, or manufacturer or
- 11 an agent of any of these persons if the sale occurs in the
- 12 regular course of lawful business activities; or
- 13 (2) the sale of a drug containing ephedrine or
- 14 pseudoephedrine by a person who does not sell exclusively to
- 15 walk-in customers for the personal use of the walk-in
- 16 customers.
- 17 (b) As used in this section, "constant video monitoring" means
- 18 the surveillance by an automated camera that:
- 19 (1) records at least one (1) photograph or digital image every
- 20 ten (10) seconds;
- 21 (2) retains a photograph or digital image for at least
- 22 seventy-two (72) hours;
- 23 (3) has sufficient resolution and magnification to permit the
- 24 identification of a person in the area under surveillance; and
- 25 (4) stores a recorded photograph or digital image at a location

1 that is immediately accessible to a law enforcement officer.

2 (c) As used in this section, "ephedrine" means pure or
3 adulterated ephedrine.

4 (d) As used in this section, "pseudoephedrine" means pure or
5 adulterated pseudoephedrine.

6 (e) A person may sell a drug that contains the active ingredient
7 of ephedrine, pseudoephedrine, or both, only if the person complies
8 with the following conditions:

9 (1) The drug is sold in a container or package that contains
10 not more than three (3) grams of ephedrine or
11 pseudoephedrine.

12 (2) Not more than two (2) packages are sold in one (1)
13 transaction.

14 (3) If the sales transaction occurs at a self-service checkout
15 station, the self-service checkout station prevents the person
16 from purchasing more than:

17 (A) one (1) package of the drug without the assistance of an
18 employee; and

19 (B) two (2) packages of the drug.

20 (4) The person restricts access to the drug in one (1) or more
21 of the following ways:

22 (A) The person stores the drug in an area not accessible to
23 a customer.

24 (B) The person displays the drug in a locked case.

25 (C) The person requires a customer to produce a state or
26 federal identification card when purchasing the drug, and
27 the person records the customer's identification in a log
28 that:

29 (i) may be inspected by a law enforcement official in
30 accordance with state and federal law; and

31 (ii) must be maintained for at least two (2) years.

32 (D) The drug is sold in single or double dosage packaging.

33 (E) The person adopts at least two (2) of the following
34 restrictions:

35 (i) The drug is stored not more than thirty (30) feet away
36 from a checkout station or counter and is in the direct
37 line of sight of an employee at the checkout station or
38 counter.

39 (ii) The drug is protected by a reliable anti-theft device
40 that uses package tags and detection alarms designed to
41 prevent theft.

42 (iii) The drug is stored in restricted access shelving that
43 permits a customer to remove not more than one (1)
44 package every fifteen (15) seconds.

45 (iv) The drug is stored in an area that is under constant
46 video monitoring, and a sign placed near the drug warns

1 that the area is under constant video monitoring.

2 (f) A person who violates this section commits a Class B
3 infraction. However, the offense is a Class A misdemeanor if the
4 person:

5 (1) has a prior unrelated judgment or conviction under this
6 section; and

7 (2) knowingly or intentionally violates this section.

8 (g) A unit (as defined in IC 36-1-2-23) may not adopt an
9 ordinance after June 30, 2005, that is more stringent than this
10 section.

11 SECTION 11. [EFFECTIVE JULY 1, 2005] IC 35-48-4-14.7, as
12 added by this act, applies only to an offense committed after June
13 30, 2005."

14 Renumber all SECTIONS consecutively.

(Reference is to HB 1223 as printed February 15, 2005.)

Representative Torr